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2 ALFRED LAM, et al.,
3 Plaintiffs,

4 v.
5

6 THE CITY & COUNTY OF SAN
7 FRANCISCO, et al.,
8 Defendants.
9

10 Case No. 10-cv-04641-PJH
11

ORDER RE: NOVEMBER 22 LETTER

Re: Dkt. No. 240

12 The court is in receipt of a November 22 letter from pro se plaintiffs regarding the
13 Clerk's notice of an unpaid filing fee for an appeal filed in this case. Dkt. 240. Plaintiffs'
14 letter asserts that they have a "good faith reason to believe" that no "duplicate" fee will be
15 owed because their two pending appeals (9th Cir. No. 16-16559 and No. 16-15596) will
16 be consolidated by the Ninth Circuit. On September 20, 2016, plaintiffs moved the Ninth
17 Circuit to "waive" the filing fee and "merge" appeal No. 16-16559 with No. 16-15596. See
18 9th Cir. No. 16-16559 Dkt. 3.

19 Whether the appeals will be consolidated or the filing fee waived on that basis is a
20 matter for the Ninth Circuit. Moreover, since an appeal is pending in this matter, this
21 court lacks jurisdiction over the case, save in limited circumstances not relevant here.
22 See, e.g., Natural Resources Defense Council, Inc. v. Southwest Marine Inc., 242 F.3d
23 1163, 1167 (9th Cir. 2001) (citations omitted).

24 **IT IS SO ORDERED.**

25 Dated: December 1, 2016



26 PHYLLIS J. HAMILTON
27 United States District Judge
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